

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANDREA T. CLUTTER,

:

Plaintiff : Civil Action 2:08-cv-1183

v.

: Judge Frost

COMMISSIONER OF SOCIAL
SECURITY,

:

Defendant

:

OPINION AND ORDER

On August 18, 2009, the Magistrate Judge issued a report and recommendation that the decision of the Administrative Law Judge was, in part, not based on substantial evidence and this matter should be remanded for further proceedings. Objections to this report and recommendation were due by September 4, 2009.

No objections to the report and recommendation have been filed. On *de novo* review as required by 28 U.S.C. §636(b), I find the report and recommendation well taken. Accordingly, it (Doc. 21) is **ADOPTED**. It is hereby **ORDERED** that this matter be remanded to the Administrative Law Judge for further proceedings consistent with the Report and Recommendation. These proceedings shall include a

consideration of the evidence concerning Plaintiff's abilities to maintain attention, concentration, or pace and work-related limitations identified by Dr. Swearingen.

/s/ Gregory L. Frost
United States District Judge